

**THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
ASHEVILLE DIVISION
CRIMINAL CASE NO. 1:10-cr-00008-MR-1
CIVIL CASE NO. 1:12-cv-00286-MR**

UNITED STATES OF AMERICA,)
)
)
)
vs.) O R D E R
)
)
WILLIAM ISAAC SMALLS.)
)

)

THIS MATTER is before the Court on the Order of the United States Court of Appeals for the Fourth Circuit remanding this case for the limited purpose of determining whether the Defendant has demonstrated excusable neglect or good cause warranting an extension of the sixty-day appeal period. [Doc. 44].

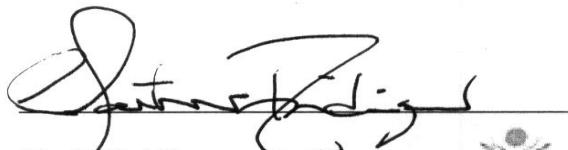
As noted by the Fourth Circuit, the Defendant's Notice of Appeal was filed within the thirty-day excusable neglect period. See Fed. R. App. P. 4(b)(4). In that Notice, the Defendant states under penalty of perjury that he was in transit when this Court served him with notice of its Judgment and that he did not receive such notice until after the sixty-day appeal period had expired. [Doc. 42].

For the reasons stated in the Defendant's Notice of Appeal, the Court finds that good cause has been shown. The Court therefore will allow an extension of the time to file a notice of appeal for a period not to exceed 30 days from the expiration of the time otherwise prescribed by Fed. R. Crim. P. 4(b)(1)(A)(i). Accordingly, the Defendant's Notice of Appeal shall be deemed to have been timely filed.

IT IS, THEREFORE, ORDERED that the time to file a notice of appeal is **EXTENDED** *nunc pro tunc* for a period of thirty (30) days, and the Defendant's Notice of Appeal is hereby deemed to have been timely filed.

IT IS SO ORDERED.

Signed: December 31, 2014



Martin Reidinger
United States District Judge

